



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1993

Ms. Shirley R. Redwine
General Counsel
Rice University
P.O. Box 2666
Houston, Texas 77252

OR93-766

Dear Ms. Redwine:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 23366.

The Rice University campus police department (the "university") has received a request for a copy of "the basic 'blotter' sheet or cover sheet for each rape handled by your agency for 1992 and year-to-date 1993." You contend that the university is not subject to the Open Records Act because it is a private university. We agree.

A private university is not a governmental body under the act because it generally does not spend and is not supported by public funds pursuant to section 552.003(a)(10) of the Government Code. *A.H. Belo Corporation v. Southern Methodist University*, 734 S.W.2d 720, 723 (Tex. App.--Dallas 1987, writ denied); *see also* Attorney General Opinion JM-154 (1983); Open Records Decision No. 510 (1988) at 2. Section 51.212(a) of the Education Code authorizes a private university to hire and commission security officers for the purpose of enforcing the laws of the state on the university's campus. This section does not make the campus police department a governmental body under the act. The definition of governmental body in the act does not include all entities that are authorized to hire and commission security officers. Furthermore, the authority to hire and commission security officers does not mean that a private university spends or is

¹We note that the Seventy-Third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

supported by public funds. You may therefore withhold the requested information in its entirety.²

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is fluid and cursive, with the first name "Margaret" being more prominent than the last name "Roll".

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/LRD/rho

Ref.: ID# 23366

Enclosures: Submitted documents

cc: Ms. Dianna Hunt
The Houston Chronicle
P.O. Box 4260
Houston, Texas 77210
(w/o enclosures)

²In reaching this decision, we do not consider whether this same information might be available under the Open Records Act from other sources, such as the the city police department or the local prosecutor's office.